

Congress of the United States

Washington, DC 20515

April 27, 2017

Hon. Alexander Acosta
Secretary of Labor
200 Constitution Ave, NW
Washington, DC 20210

Dear Secretary Acosta:

As Members of the House Education and Workforce Committee, we write to congratulate you on your recent confirmation as the 27th Secretary of Labor.

We look forward to the opportunity to work with you in your new position, as there are urgent priorities that must be addressed as you assume office. These include robust worker training programs that match workers with in-demand skills to employers in need of those skills, ensuring that workers return home to their families safely each day and deterring wage theft by employers that exploit their employees. We want to work with you to ensure that retirement advisors put the best interests of workers first when providing investment advice, and to implement the new overtime threshold so that middle-wage salaried workers are not forced to work long hours for no pay.

Through this letter, we are seeking guidance on your strategy regarding the enforcement of our nation's employment laws. During the 2016 campaign, President Trump promised to level the playing field with our international competitors and raise wages for American workers. As Secretary, you have the responsibility to make good on these promises and ensure hardworking Americans get a fair day's pay for a full day's work.

Specifically, we request your plan for the Wage and Hour Division (WHD). More than any other agency in government, the WHD is charged with standing up for workers when their employer fails to play by the rules. This includes ensuring workers are not cheated out of the wages and overtime they have earned; preventing child labor; protecting individuals who take leave to attend to illness or birth of a child; and guaranteeing that our guest worker programs do not suppress wages or displace American workers or job seekers, among others duties.

As an accomplished prosecutor, you know that the protections included in any law are only as real as the enforcement of that law. WHD investigators are the people that turn the words of these laws into meaningful protections every day. Since 2009, WHD has put nearly \$1.6 billion in back wages into the pockets of workers.

WHD has targeted its scarce resources to the places where wage violations are the most likely: those industry sectors and employers with a history of minimum wage and overtime violations and where large numbers of vulnerable workers are found. Vulnerable workers include those at a higher risk of exploitation: workers with disabilities, young workers, agricultural workers, and workers with no private right to pursue remedies on their own behalf. Many of these people are employed in industries with business models that obscure, or eliminate entirely, the link between

the worker and the benefitting business, including the misclassification of employees as independent contractors.

At odds with this mission, however, is the President's "skinny" budget for Fiscal Year (FY) 2018, which proposes a draconian 21% cut for the Department of Labor. Given that the WHD budget has already been frozen at the same level for the past 8 years, such cuts will send a signal that it is unlikely employers will face consequences if they cheat workers out of their hard-earned wages.

At the beginning of the Obama Administration, there was a concerted effort to rebuild the WHD inspectorate, which had fallen to a 40-year low of 731 investigators at the end of the Bush Administration. You have the opportunity to build on this progress and implement the President's commitments to American's workers. The depth of those commitments can be quantified by the level of effort put into their implementation. For that reason, we are seeking answers to the following questions, and respectfully request a reply no later than May 10, 2017.

- 1) Will you recommend a budget cut for the WHD as part of the FY 2018 budget?
- 2) Will you recommend a reduction in the number of employees in the WHD for FY 2018?
- 3) What is your annual target for WHD compliance actions? The FY 2017 budget request called for 31,411 compliance actions?
- 4) Will you retain the WHD enforcement focus on employees who have been misclassified as independent contractors?
- 5) What is your strategy to protect employees in complex workplaces where the employee is employed by one entity, supervised by another, but the employee never sees their payroll employer?
- 6) How many Davis Bacon Act and Service Contract Act inspection and enforcement actions do you plan to undertake in FY 2018?

We urge you to consider the WHD as a cornerstone of the Department's mission to advance opportunities—opportunities for workers to move into the middle class; opportunities for employers to compete on a level playing field; and opportunities for workers to balance their family and work obligations. If you have any questions, please do not hesitate to contact Vincent Sarubbi of Congressman Donald Norcross's staff at 202-225-6501 or vincent.sarubbi@mail.house.gov. Thank you for your prompt attention to this matter and we look forward to your reply.

Sincerely,



Donald Norcross
Member of Congress



Joe Courtney
Member of Congress




Jared Polis
Member of Congress



Gregorio Kilili Camacho Sablan
Member of Congress


Frederica Wilson
Member of Congress


Alma S. Adams, Ph.D.
Member of Congress


Mark Desaulnier
Member of Congress


Lisa Blunt-Rochester
Member of Congress


Adriano Espaillat
Member of Congress


Carol Shea-Porter
Member of Congress